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Civil and Political Rights**

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**Human Rights Committee  
124th session**

**Summary record of the 3543rd meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 17 October 2018, at 10 a.m.

*Chair:* Mr. Politi (Vice-Chair)

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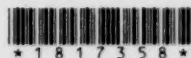
*Fourth periodic report of Bulgaria (continued)*

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*Mr. Politi (Vice-Chair) took the Chair.*

*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant (continued)**

*Fourth periodic report of Bulgaria (continued) (CCPR/C/BGR/4;  
CCPR/C/BGR/QPR/4)*

1. *At the invitation of the Chair, the delegation of Bulgaria took places at the Committee table.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.
3. **Ms. Tsenova** (Bulgaria) said that, on 18 July 2018, the Constitutional Court had declared the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) to be unconstitutional. However, the Ministry of Justice and other stakeholders had drafted a number of legislative amendments aimed at preventing violence, including domestic violence, and protecting victims. The texts of those amendments were currently being discussed in working groups and would soon undergo a process of public consultation before being submitted to the Council of Ministers and, ultimately, to parliament. It had been proposed that the definition of bodily injuries should be expanded in order to criminalize all forms of domestic violence and that acts of psychological violence, including those committed in family settings, should fall under the Criminal Code. There were also plans to bring cyberbullying within the scope of criminal law. The definitions of a number of violent offences were being reviewed to ensure that victims were no longer required to file private complaints or petitions and to gather evidence themselves. It had also been proposed that failure to enforce a court judgment or order, which would include a domestic violence protection order, should be established as a specific offence.
4. Article 158 of the Criminal Code, which had allowed rapists who married their victims to avoid penalties, had been repealed in 2015 in accordance with the recommendations of a number of international bodies. The Government had earmarked funds for projects carried out by non-governmental organizations (NGOs) to raise awareness of domestic violence. In 2014, the focus of those projects had been on training magistrates who handled cases of domestic violence and on providing protection and assistance to victims. In 2015, the objectives had been to introduce services to rehabilitate perpetrators of domestic violence and train officials responsible for victim protection. In 2016, the Government had funded a school-based programme to raise awareness of domestic violence among teenagers. Statistics on the compensation paid to victims of domestic violence could be provided in writing, if the Committee so wished.
5. The procedure for collecting data on domestic violence was laid down in a set of guidelines on the organization of the prosecution service. Investigations were conducted into all cases of domestic violence, threats of domestic violence and breaches of protection orders. There were plans to establish a domestic violence response mechanism and a monitoring mechanism in the form of a consolidated database. It was expected that the first report based on those data would be generated in late 2018.
6. **Mr. Berner** (Bulgaria) said that the number of domestic violence protection orders submitted annually to the territorial directorates of the Ministry of Interior had increased from 1,253 in 2009 to 2,440 in 2017. There were 24 crisis centres in Bulgaria, 18 of which were for children. They had an overall capacity of 250 persons and were funded from the State budget and by NGOs. In 2017, 584 persons had been accommodated at the crisis centres, including 183 women victims of domestic violence. The country had a dedicated telephone helpline for victims of domestic violence, which had assisted over 30,000 persons since its establishment over 20 years previously.

7. **Ms. Cleveland** said that she had yet to receive replies to some of her questions on discrimination against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, including her questions on the recognition of same-sex unions and the rights of transgender persons.

8. With regard to the treatment of migrants, refugees and asylum seekers, the Committee would appreciate a response to its request for information on investigations into the deaths of two Iraqi refugees at the State party's border. More generally, information on any investigations opened into reports of deaths, push-backs and other human rights violations at the border and on their outcomes would be welcome. She wondered what efforts were being made to strengthen the training provided to members of the border police on international standards for the protection of asylum seekers and migrants. What measures were being taken to ensure that all foreign nationals had a meaningful opportunity to request international protection; that asylum seekers received accessible information regarding their rights; and that assessments were made promptly, on a case-by-case basis and in a manner consistent with the State party's human rights obligations, including the principle of non-refoulement?

9. It would be useful to learn whether the State party planned to take measures to address concerns that the number of qualified interpreters at the border and in short-term detention facilities was inadequate, that persons in need of international protection were not promptly identified and that asylum seekers did not undergo psychological screening to identify vulnerable individuals, including victims of torture, trauma or trafficking. In addition, it was unclear what measures had been taken to ensure that asylum seekers, particularly those who were nationals of Iraq or Afghanistan, did not suffer discrimination on the basis of their country of origin during the assessment process and that any consent to return was truly voluntary. What measures were being taken to ensure that the basic needs of asylum seekers were met, and did the State party plan to establish a system to monitor reception centres with a view to identifying gaps in the provision of basic services? In the light of recent changes to the procedures governing the detention of asylum seekers, the State party should indicate what measures it was taking to ensure respect for the principle that, if asylum seekers were to be detained at all, they should be detained for as short a time as possible, as a last resort and on the basis of an individualized needs assessment.

10. With regard to the situation of children in need of international protection, the delegation should respond to concerns that the State party lacked an adequate age assessment procedure; that family tracing was not conducted promptly; that children were held at centres operated by the State Agency for Refugees without specialized care, alongside adults and in facilities that did not meet the minimum applicable standards; that the guardians appointed for unaccompanied minors were inadequately qualified and trained; and that children placed under the care of such guardians were at risk of trafficking. In addition, she would appreciate information on the steps being taken to eliminate the practices of registering unaccompanied minors together with unrelated adults and of registering them as adults, both of which served to circumvent the recently introduced ban on detaining unaccompanied minors. It would also be helpful to know whether the standard operating procedures introduced in early 2018 to identify and support vulnerable asylum seekers, including unaccompanied minors, had been fully implemented; how they had improved the identification and treatment of unaccompanied minors; and what other measures were being taken to improve the coordination of child protection and prioritize the best interests of the child in that context.

11. Turning to freedom of assembly, she would appreciate more information on the finding by the Internal Security Directorate that there was no evidence that police officers had acted unlawfully during the anti-government protests of July 2013. She wondered whether further measures had been planned to ensure that police officers received training in human rights, particularly with regard to freedom of expression and assembly and to the lawful use of force in the context of peaceful protest; what efforts had been made to ensure that reports of excessive use of force by police officers were effectively investigated and the perpetrators were duly punished; and what steps had been taken to ensure effective implementation of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

12. In its most recent annual report, Amnesty International had noted that Bulgaria was the lowest-ranked member State of the European Union on the World Press Freedom Index and that Victor Nikolaev, a television journalist, had been threatened with dismissal live on air. In that connection, she wished to know how the State party planned to reform its current laws and practices with a view to enhancing the protection of journalists and reducing political influence over the media; what measures were being taken to protect journalists from violence and ensure that any allegations of violence were effectively investigated; what plans were in place to increase the transparency of media ownership and financing structures and prevent the Financial Supervision Commission from imposing fines on journalists investigating the financial sector; what measures were being taken by the Commission on Protection of Competition to promote media pluralism; whether the State party planned to decriminalize defamation; and whether media outlets published information on their owners and major financial stakeholders.

13. **Mr. Koitz** said that, in Bulgaria, persons with mental disabilities could be deprived of their legal capacity, which left them unable to vote, marry or even apply to have their incapacitation reviewed by a court. The State party's efforts to deinstitutionalize the system of care for such persons had been focused on building small group homes, rather than on developing community-based solutions. In that context, he would be grateful if the delegation could respond to reports that persons with disabilities experienced violence and ill-treatment in psychiatric hospitals and medical institutions, that they were physically restrained for extended periods and that investigations had not been carried out into deaths at such institutions, even when traumatic injuries had been present. It would be interesting to learn whether the judgment of the Sofia City Court dismissing an application for the incapacitation of a person with a mental disability had played a role in the preparation of the draft Natural Persons and Support Measures Act and in the broader process of reforming the incapacitation system.

14. He wondered whether the Government intended to establish an independent mechanism for monitoring psychiatric hospitals and medical institutions, and to end the participation of the officials of such institutions in decisions concerning admissions and guardianship arrangements. Did the Government plan to introduce alternatives to the confinement and medical psychiatric treatment of persons with mental disabilities and grant them the right to appeal against decisions to impose such measures? It would also be useful to know what steps had been taken to ensure that patients in psychiatric institutions did not experience ill-treatment in any form, including forced drug treatment and the use of chemical restraints, and whether, as had been claimed, patients at Radnevo psychiatric hospital had been slapped, kicked and punched by staff. He would appreciate an update on the status of the draft Natural Persons and Support Measures Act and wondered whether a time frame had been set for its adoption. Had any resistance been encountered in that regard?

15. He wished to know whether the State party planned to reform its legal framework to ensure equal treatment for religious communities and dissident groups within established religions, to allow non-traditional religions to register and operate without hindrance, and to repeal municipal ordinances that restricted the rights of religious minorities or discriminated against them. Lastly, he would be grateful if the delegation could respond to claims that religious communities, in particular Muslims and Jehovah's Witnesses, had been refused licences to construct places of worship or purchase land for that purpose, and that members of religious minorities had experienced harassment and discrimination.

16. **Ms. Kran**, noting that the Special Surveillance Means Act authorized telephone monitoring, said that she would like to know how many people had been officially notified that special surveillance means had been improperly used against them and what remedies had been provided to them. The delegation should give examples of cases where telephone monitoring had been authorized under the Act owing to the "exceptional difficulty" of obtaining information otherwise. She would like to know how the use of wiretapping in cases of exceptional difficulty, or where terrorism was suspected, conformed to the Covenant, and what action the State party planned to take to prevent illegal wiretapping in future.

17. The Combating Terrorism Act allowed for wiretapping of persons suspected of preparing terrorist acts for up to three years without periodic judicial review. She wished to know the determining criteria used in such cases and would appreciate receiving the most recent definition of terrorism. Under the Act, could the President, with the approval of the National Assembly, declare a state of emergency after any act of terrorism and impose blanket bans on public rallies, meetings and demonstrations without any oversight? Did the law permit administrative control measures to be taken, without prior judicial authorization, against individuals suspected of preparing or planning a terrorist act? The recently introduced anti-corruption commission seemingly had the power to use secret surveillance to target "corruptive behaviour" on vague grounds, without a clear and lawful purpose. The delegation should fully explain the current situation under the law.

18. She wished to know what efforts the State party had made to determine whether the recent brutal murder of the journalist, Ms. Viktoria Marinova, was related to her role in investigating corruption in the country. The delegation should comment on the appropriateness of the statement made by the Prosecutor General before the crime was investigated. The Committee wished to know whether an independent investigation would be held to determine the motive behind the murder and any connection with her work. What specific plans did the State party have to ensure the safety of journalists reporting on corruption? The Committee also wished to know what steps the State party was taking to include provisions allowing the submission of anonymous notices by third parties within its new anti-corruption legislation. Very few convictions for high-level corruption had been confirmed by final court decisions in Bulgaria. She would appreciate information about how the State party would make the necessary resources available to investigators and prosecutors and improve cooperation between them, and how it would ensure that investigators could hold senior officials accountable for corruption. How did the State party plan to increase public institutions' compliance with the requirement to publish their employees' declarations of conflict of interest, and what were the penalties for non-compliance?

19. The Venice Commission had noted that the Bulgarian Prosecutor General was virtually irremovable by impeachment for misconduct. The Committee wished to know what procedures were in place to ensure that official's accountability, and how the State party intended to implement the Venice Commission's recommendation that an independent body should be capable of conducting its own fact-finding during investigations into alleged misconduct by the Prosecutor General. Information would also be appreciated on the training and other support given to State attorneys to ensure their independence and effective defence of their clients' interests. Finally, the Committee would like information on the State party's plans to provide for independent oversight in cases of criminal misconduct by law enforcement officials.

20. **Mr. Santos Pais** said that he wished to know whether the State party envisaged amending the Election Code to allow the use of minority languages in election campaigns. He would appreciate receiving statistics on electoral candidates from minorities at national and local level, disaggregated by sex and ethnic community. The delegation should provide information on the sanction imposed on a member of the DOST Alliance for lobbying in Turkish during March 2017 elections and state whether the sanction had been challenged and if so, what had been the outcome of the challenge.

21. Moving to the juvenile justice system, he wished to know whether the new Diversion of Minors Away from Criminal Proceedings Act had been submitted to Parliament. The Committee also wished to know whether the State party was considering amending its Juvenile Delinquency Act to accommodate the recommendations of the European Court of Human Rights; whether it envisaged the creation of specialized juvenile courts and amendments to the relevant legislation, in order to secure a fair trial procedure and accessible, high-quality legal aid for children; and whether it would consider removing the mention of "anti-social behaviour" from its legislation and focus on prevention and social and educational measures instead. The delegation should comment on findings by the Committee on the Rights of the Child and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment that children as young as 8 years of age were in detention, that deprivation of liberty was not used solely as a measure

of last resort, that conditions in detention centres were poor and violence prevalent, that juveniles were placed in solitary confinement; and that the majority of detainees were Roma. He wished to know what measures had been taken to provide specific training to judges, prosecutors, police officers, investigators and social workers working with children, and whether the State party was developing alternative measures to custodial sentences.

22. He would appreciate information on the role of the State Agency for Child Protection and the Ombudsman in respect of children remaining in institutions, children in foster care and in the new family-type accommodation, and on whether there were other monitoring agencies involved. He also wished to know if an effective investigation had been held regarding the 292 deaths of children under 7 years of age in medical and social care homes for children between 2010 and 2014. The Committee would appreciate the delegation's response to allegations that the closing of the existing medical and social care homes for children had been postponed by at least one year. The delegation should provide data on the number of investigations and prosecutions following cases of negligence, harassment and violence against children in family-type accommodation and their outcomes, and respond to allegations that 751 children had been placed in institutional care in 2016; that family-type centres risked becoming a form of permanent institution; that 67 per cent of children in those centres continued to live in isolation; and that over 10,000 children lived in out-of-home care facilities separate from their families. He asked what measures had been taken to build the capacity of professionals working in those centres to deal with children with disabilities, and what measures the Government had taken to ensure funding, legal regulation and financial sustainability for the new services foreseen under the plan for 2016 to 2020.

23. The Committee wished to know what further reforms the State party intended to introduce to make the judiciary fully independent of the other branches of the Government and to strengthen its integrity and efficiency; what measures had been taken to prevent and punish cases of corruption within the judiciary or public prosecution; what measures would be introduced to remove the power of the Inspectorate to the Supreme Judicial Council to investigate complaints or participate in disciplinary proceedings against judges and public prosecutors; and what awareness-raising activities the State party would carry out to inform the public of the importance of a fully independent legal system.

24. The Committee had noted that the Prosecutor General had developed methodological guidelines to improve the effectiveness of criminal proceedings in cases of early marriage. He wished to know what effect the guidelines had had, how many cases had been prosecuted and what had been their outcomes. He also asked what measures the State party had taken to prevent the practice of early marriage, especially in Roma communities, whether those had proved useful, and what steps had been taken to increase the involvement of social workers, families, communities and children themselves in awareness-raising campaigns. The Committee on the Rights of the Child, in its 2016 concluding observations (CRC/C/BGR/CO/3-5), had recommended that Bulgaria should "establish a system to track all cases involving child marriage within ethnic groups, particularly Roma girls, and provide victims with shelter as well as appropriate rehabilitation and counselling services". He wished to know to what extent the State party had accommodated that recommendation and whether it collected data on early marriages, disaggregated by ethnicity. Did the State party intend to adopt legal measures to ensure that enforced marriages could be declared void, annulled or dissolved without undue financial or administrative burden for the victim?

25. **Ms. Pazartzis** said that she took note of the State party's position that it considered the Committee's Views on individual communications to be binding. She would appreciate more information about how those Views had been implemented in the case of *Liliana Assenova Naidenova et al. v. Bulgaria* (communication No. 2073/2011). She had understood from the delegation's responses that monetary compensation had been disbursed, but it was not clear whether alternative housing had also been provided.

26. A number of instances of hate crimes against religious minorities had been registered, particularly since 2017, but rates of prosecution seemed very low. In particular, the Committee was concerned about reports of attacks against members of minority religious denominations and vandalism of places of worship, discriminatory media

depictions of minority religious identity, local legislation limiting the activities of certain religious groups and criminal prosecutions against religious representatives.

27. According to information the Committee had received, proposed amendments to the Criminal Code would target "radical" groups that used religious beliefs for political goals, including "advocating changes to the existing constitutional order and the rule of law". However, the amendments apparently envisaged a very broad definition of "radical", prohibited preaching in any language other than Bulgarian and included provisions that would allow places of worship to be closed and foreign funding to be blocked. The delegation should respond to the Committee's concerns that such provisions, if they were to become law, could result in serious restrictions on the rights of many religious minorities. She hoped the delegation could provide more information about recent amendments to the Commercial Register and Register of Non-Profit Legal Entities Act, clarifying whether they were consistent with the right to freedom of association as enshrined in the Covenant.

28. Notwithstanding the steps taken to eradicate stereotypes and discrimination against Roma and Turkish populations, the Committee remained concerned about the apparent marginalization of the Roma community, including the fact that increasing numbers of Roma children attended what were de facto segregated schools. In addition, forced evictions were seemingly being carried out without prior notice or the provision of replacement housing. She looked forward to hearing the delegation's comments regarding alleged cases of forced evictions in Asenovgrad, Plovdiv and Sofia, and she would appreciate an update on the implementation and impact of the Framework Programme for Integration of Roma in Bulgarian Society (2010–2020).

29. She expressed the hope that the delegation could provide disaggregated statistics regarding the number of complaints of discrimination against Roma, Turkish or other minority groups, including the findings of any investigations and the outcome of any prosecutions. The Committee also lacked disaggregated data on the exact composition of ethnic, religious and linguistic minorities. Lastly, she would be interested to hear about any training on discrimination and minorities offered to State officials.

*The meeting was suspended at 11 40 a.m. and resumed at noon.*

30. **Mr. Sterk** (Bulgaria) said that information concerning the outcome of investigations into excessive use of force by law enforcement officials, the training offered to such officials, including the Border Police, and the principle whereby asylum seekers should only be detained as a last resort would be provided in writing.

31. **Mr. Berner** (Bulgaria) said that all allegations of push-back by the Border Police were duly investigated but none had been substantiated. Thanks to electronic surveillance equipment positioned along the Bulgarian-Turkish border, groups of refugees had been identified while still in Turkey and, in collaboration with Turkish colleagues, prevented from crossing the frontier into Bulgaria. That, however, did not amount to push-back. All officers working on the border were thoroughly trained and briefed, and each was issued with a copy of the human rights guidelines developed by the European Border and Coast Guard Agency (FRONTEX). Since the beginning of the refugee crisis in 2013, the frontier had been monitored by joint patrols made up of officers from FRONTEX and from the Border Police, thereby providing a further safeguard for human rights.

32. The Government had been making consistent efforts to carry out improvements and repairs in reception centres with a view to ameliorating living conditions and guaranteeing basic services for refugees and asylum seekers. The reception centre located in the town of Elhovo was currently closed pending a full renovation. There were no reports of any cases in which access to the centres or to the services they offered had been restricted. Migrants in Bulgaria had the right to file an application for asylum at any time, either at border crossing points or reception centres, or via an NGO. All refugees and asylum seekers were entitled to receive free legal aid. Assessments of migrants at reception centres were always carried out on an individual basis, and there had been no reports of citizens of particular States being treated in a discriminatory fashion.

33. **Ms. Spassova** (Bulgaria) said that the best interests of the child were the guiding principle when determining the needs of unaccompanied migrant children, in which regard

the Government cooperated closely with the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the Bulgarian Red Cross and NGOs. The authorities also made every effort to integrate children into social, educational and health-care programmes and to protect them from violence and discrimination. Procedures for locating family members with a view to reunification were overseen by the State Agency for Refugees, in cooperation with UNHCR and the Red Cross.

34. Under the Asylum and Refugees Act, unaccompanied migrant children were to be placed with relatives or foster families, or in specialized institutions. One reception centre in Sofia had a protected area for unaccompanied minors, with its own separate entrance, while another was being redesigned to accommodate unaccompanied minors and women with children. A new temporary accommodation centre for unaccompanied children was currently in the planning stage. Unaccompanied minors had full access to the State-run education system. A Bulgarian language curriculum was being developed for migrant pupils at the primary and secondary levels, and additional intensive language training was being provided.

35. **Mr. Berner** (Bulgaria) said that the actions of the police during protests that had taken place in front of the parliament building in July 2013 had been thoroughly examined by the competent bodies. Those bodies had found that the police had acted within the law to contain a mass breach of public order and that, at critical moments during the protest, they had used only sufficient force commensurate with the threat faced. There had been no mass repression against the protestors and, despite provocation, the police had managed to exercise self-control and prevent an escalation of tension. During the incident, both protestors and police officers had sustained injuries.

36. Police action on that occasion had also been scrutinized by prosecutors. As a result, charges of causing bodily harm had been brought against one officer, although he had later been exonerated by the courts. Subsequently, administrative sanctions had been imposed against the same officer and others for failing to exercise sufficient control. A number of administrative shortcomings related to the registration of detained persons had been identified, and improvements in police practice in that regard had been recommended.

37. **Mr. Sterk** (Bulgaria) said that the ranking of Bulgaria on the World Press Freedom Index was a matter of concern to the Government, which was considering steps to rectify the situation. All attacks against journalists were duly investigated by the authorities. The politician who had publicly voiced threats against the journalist Viktor Nikolaev had resigned his seat in the National Assembly. The recent murder of Viktoria Marinova was being investigated and all possibilities were being considered. According to current information, the killing was unpremeditated and the perpetrator's motive seemed to have been sexual in nature. Nothing had yet emerged to suggest that it was related to the victim's work as a journalist. Moreover, although Ms. Marinova had had a television show on which she had hosted journalists who conducted investigations into corruption and misuse of public funds, she herself had never undertaken such work directly.

38. The strong public reaction to the murder had placed the authorities under considerable pressure to investigate the case promptly and effectively. In fact, a suspect had been arrested in Germany and was due to be extradited to Bulgaria shortly. The strength of the reaction and the widespread public revulsion at attacks against journalists was also a testament to a mature and vibrant civil society. In addition, the killing had drawn attention to the issue of violence against women more generally and to the need to take further measures to combat that phenomenon.

39. Since the submission of its previous periodic report, the Government had made significant efforts to protect media freedom, which Bulgaria saw as the cornerstone of a democratic society. Print media outlets had an obligation to deposit declarations of proof of ownership before the Ministry of Culture, as a measure to promote transparency and prevent media ownership being concentrated in too few hands. Recent legislative amendments had introduced limitations on the establishment or acquisition of media outlets by persons who had already applied for or received a broadcasting licence under the Radio

and Television Act. Moreover, in 2015, the Government had introduced new regulations on the acquisition and merger of media outlets.

40. **Ms. Georgieva** (Bulgaria) said that the draft Natural Persons and Support Measures Act had been submitted to the parliament in August 2016; however, the discussions on that draft had been suspended because early elections had been called. It had recently been established by law that all bills must undergo an impact assessment, including an evaluation of their compliance with the relevant human rights standards; accordingly, steps had been taken to ensure that the provisions of the draft Act were compatible with the Convention on the Rights of Persons with Disabilities. The Act would empower persons with disabilities by providing for supported decision-making, as opposed to substitute decision-making. It would also provide for comprehensive support measures that would enable persons with disabilities to marry, to file for divorce and to fully exercise their reproductive rights. Protection measures would be taken only on the basis of a judicial decision, in cases where support measures had been deemed inadequate.

41. **Ms. Spassova** (Bulgaria) said that the Religious Denominations Act was in conformity with United Nations core instruments on human rights. According to the national study on equality and discrimination that had been conducted by the Commission for Protection against Discrimination, fewer than 6 per cent of cases of discrimination were based on religion. The Criminal Code had recently been amended to establish incitement to discrimination and violence on religious grounds as a criminal offence that was punishable by a prison sentence of up to 4 years, a suspended sentence or a fine. Data collected by the Council for Electronic Media showed that the majority of electronic media outlets displayed a balanced approach towards religious minorities.

42. All minority groups played an active role in political and public life. For example, the Movement for Rights and Freedoms, a party that represented the Turkish minority, was well established in political life at the national and local levels. Further details on the election rights of citizens, including those from ethnic minorities, could be found in paragraphs 186 to 193 of the State party's report. Bulgaria was participating in good faith in all processes related to the fulfilment of its obligations under the Framework Convention for the Protection of National Minorities. All cases of violence on ethnic or religious grounds were dealt with immediately by the competent authorities. She wished to emphasize, however, that attacks on religious shrines were rare and that isolated cases of violence could not be used as the basis for general statements about the overall situation in Bulgaria. Lastly, there were no special regulations governing the construction of places of worship.

43. **Mr. Berner** (Bulgaria) said that the use of special surveillance means to gather material evidence was governed by the Special Surveillance Means Act. Individuals could not be prosecuted and convicted solely on the basis of data collected using such means. As mentioned in paragraphs 176 and 177 of his country's report, the use of special surveillance means was subject to monitoring by an independent State authority. In cases where such means had been used unlawfully, the persons affected could request compensation from the State.

44. **Mr. Sterk** (Bulgaria) said that the Combating Terrorism Act contained the same definition of terrorism as the Criminal Code. Further information on that Act would be provided in writing within 48 hours. The anti-corruption commission had only recently been set up; its practices had not yet been clearly established.

45. **Ms. Georgieva** (Bulgaria) said that the bill on juvenile justice had been the subject of consultations, as well as an impact assessment carried out by a team from the Ministry of Justice, the outcomes of which had been discussed in March 2018. The aim of the bill was to ensure that minors in conflict with the law received support and were fully reintegrated into society. It provided for education programmes that were consistent with international standards, and a system of secondary and tertiary prevention. The current law on juvenile justice would be repealed and the existing framework of sanctions for juvenile offenders would be abolished. All juvenile detention centres would be closed and re-education centres, where offenders would spend between 3 and 12 months, would be set up. Measures taken in respect of juvenile offenders would be prescribed by the competent authorities, on

the basis of a thorough character assessment, taking into account any social or health-related problems faced by the offender. In certain circumstances, juvenile offenders would be entitled to request a judicial review of their case.

46. **Ms. Kostadinova** (Bulgaria), recalling that in support of its candidacy for election to the Human Rights Council Bulgaria had made a voluntary pledge to protect and promote child rights, said that the Government took the view that placing children in institutions constituted a violation of their rights, particularly the right to be raised in a family environment. It had therefore continued to implement its deinstitutionalization strategy, with the support of UNICEF; its aim was to complete the process by 2025. So far, the number of children in institutions had fallen by over 90 per cent. The number of specialized institutions for children had dropped from 137 in 2010 to 32 in June 2018. A total of 105 specialized institutions had been shut down, including all institutions for children with disabilities. Over 600 community-based services for children had been set up; those services were financed from the State budget. Significant investments had been made in order to strengthen the childcare system and to build the capacities of childcare specialists.

47. An updated action plan on deinstitutionalization had been adopted by the Council of Ministers in October 2016. In accordance with that plan, the Government intended to close all remaining specialized institutions for children, set up 149 new services and suspend the placement of children under 3 years old in residential care, except in cases where the child required special support. The implementation of the action plan was financed by the State budget, in combination with funding from the European Union. The experience gained during the process would help the Government to address other challenges, such as the deinstitutionalization of adults.

48. Between 2010 and 2014, there had been 238 cases of deaths of children in institutions. A total of 22 inspections had been carried out in connection with those cases. In the course of those inspections, no evidence of inhuman treatment of children by personnel had been established. In some cases, no autopsy had been performed before the child had been buried, owing to loopholes in the relevant regulations. Those regulations had therefore been amended and new standards had been introduced, under which specialized institutions were required to establish a procedure for the registration of deaths and to notify the competent authorities in such cases.

49. **Mr. Sterk** (Bulgaria), referring to the case of *Liliana Assenova Naidenova et al. v. Bulgaria*, said that the complainant had not been evicted from her dwelling. The question of means of redress other than monetary compensation was therefore no longer relevant.

50. **Ms. Topakbachian** (Bulgaria) said that a series of measures had been taken by the national and local authorities to tackle the problem of early marriage. Bulgaria was participating in JUSTROM, a programme run by the Council of Europe and the European Commission to improve access to justice for Roma women, including in cases of early marriage. Under that programme, two legal clinics had been set up to provide advice and raise awareness. Building on the success of the health mediators, labour mediators had been appointed to help Roma people to find employment. The profession of educational mediator had also been established; such mediators worked with the Roma community to prevent early school dropout. The mechanism that had been set up to combat early school dropout, through working groups involving a range of stakeholders, was now fully functional and would continue to operate indefinitely.

51. **Mr. Sterk** (Bulgaria) said that his Government would send additional information on the Commercial Register and Register of Non-Profit Legal Entities Act in writing within 48 hours. Up-to-date disaggregated data on minority groups could be provided once the next national census had been conducted in 2021.

52. In conclusion, he wished to emphasize that his Government remained committed to improving national safeguards for the protection of human rights. It would study the Committee's concluding observations carefully and endeavour to take them into account in its human rights policies. He hoped that some of the practices followed by Bulgaria in the field of human rights would serve as an example to other States.

53. **The Chair** said that he wished to thank the delegation for the open and constructive dialogue. The Committee appreciated the State party's willingness to provide relevant information and to recognize not only areas in which progress had been made but also areas in which improvements were needed in order to ensure compliance with the Covenant.

*The meeting rose at 1 10 p.m.*